

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

Robert Holland Koon, )  
Petitioner, ) Civil Action No.: 9:01-3101  
vs. )  
Charles M. Condon, Attorney General of ) **ORDER**  
the State of South Carolina, )  
Respondent. )  
\_\_\_\_\_  
)

On July 31, 2001, pursuant to 28 U.S.C. § 2254, the petitioner commenced a pro se action seeking a writ of *habeas corpus*. On March 16, 2004, this Court issued an order dismissing the action from which the petitioner appealed. On December 6, 2004, the Fourth Circuit Court of Appeals remanded the action for this Court to determine when the petitioner delivered his notice of appeal to prison officials and if the notice was delivered within the time prescribed by Rule 4(a)(1) of the Federal Rules of Appellate Procedure. This Court conducted an evidentiary hearing on March 18, 2005. After receiving filings and hearing arguments from both sides, this Court determined that the petitioner had not timely delivered his notice of appeal to prison officials. Fed. R. App. P. 4(a)(1) and (c). On April 20, 2005, this Court issued an order reflecting its findings.

Pursuant to the order of remand, this Court has returned the action to the Fourth Circuit Court of Appeals. It has come to this Court's attention, however, that for some unknown reason, the Clerk of this Court admittedly failed to notify the attorneys representing the petitioner or the respondent of this Court's order. The petitioner, consequently, has moved to extend the time to

file a notice of appeal.

With consent of both parties and good cause being shown, this Court hereby extends the petitioner's time to file a notice of appeal until June 20, 2005. Fed. R. App. P. 4(a)(5)(C). The purpose for which Richard A. Farrier, Jr. was appointed to represent the petitioner having been accomplished, said representation is hereby terminated.

**AND IT IS SO ORDERED.**



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**C. WESTON HOUCK**  
**UNITED STATES DISTRICT JUDGE**

May 27, 2005  
Charleston, South Carolina